

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

THOMAS BAILEY, III,
ADC #148850

PLAINTIFF

v.

5:19CV00213-SWW-JTK

K. GRANDY

DEFENDANT

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion to Dismiss (Doc. No. 10) is GRANTED, and Plaintiff's Complaint is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.

2. Plaintiff's Motions for Preliminary Injunctive Relief/Temporary Restraining Order (Doc. No. 6) and to Amend (Doc. No. 12) are DENIED.

3. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

4. The Court certifies that an in forma pauperis appeal from an Order and Judgment dismissing this action would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 12th day of September, 2019.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE